IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

C.C.Disilwa Vs. State of Rajasthan & Anr.

S.B.CR.MISC. PETITION NO.570/2006

DATE OF ORDER :: September 19, 2006

PRESENT

HON'BLE MR.JUSTICE H.R.PANWAR

None present for the petitioner.

BY THE COURT:

By the instant criminal misc. petition under section 482 Cr.P.C., the petitioner has challenged the order dt. 28.2.2006 passed by Judicial Magistrate, Rawatbhata (for short 'the trial court' hereinafter), whereby the application filed by the petitioner seeking recalling of the order taking cognizance, was dismissed.

I have carefully gone through the order impugned.

From a perusal of the order impugned, it is more than clear

that the trial court has rightly concluded that after taking the cognizance of the offence by earlier order, that order cannot be reviewed or recalled. There is no provision contemplated in the Code of Criminal Procedure for recalling or reviewing the order. The controversy involved in the instant case stands concluded by a Three Judge Bench decisions in Adalat Prasad vs. Rooplal Jindal & Ors., **JT 2004 (7) SC 243** and Subramanium Sethuraman vs. State of Maharashtra & Anr., **2004 Cr.L.J. 4609.** In the circumstances, therefore, no case for interference is made out.

The petition is, therefore, dismissed.

[H.R.PANWAR],J.

m.asif/-